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*Counsel to Alfred H. Siegel, as Trustee of the
Circuit City Stores, Inc. Liquidating Trust*

*Counsel to Alfred H. Siegel, as Trustee of the
Circuit City Stores, Inc. Liquidating Trust*

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:) Case No. 08-35653 (KRH)
)
CIRCUIT CITY STORES, INC., <u>et al.</u> ,) Chapter 11
)
Debtors.) (Jointly Administered)
)

**NOTICE OF FILING OF (A) MOTION
AND (B) HEARING THEREON**

PLEASE TAKE NOTICE THAT the Circuit City Stores, Inc. Liquidating Trust (the "Trust"), through its Trustee, Alfred H. Siegel has filed in the United States Bankruptcy Court for the Eastern District of Virginia (the "Bankruptcy Court") the following documents:

- 1) MOTION FOR ORDER TO STRIKE CERTAIN OF CLAIMANT ROY EISNER'S EXPERT DISCLOSURES PURSUANT TO RULE 7037 (the "Motion"); and
- 2) MEMORANDUM IN SUPPORT OF MOTION FOR ORDER TO STRIKE CERTAIN OF CLAIMANT ROY EISNER'S EXPERT DISCLOSURES PURSUANT TO RULE 37 AND THE DECLARATION OF MARTIN A. KROLEWSKI, ESQ.

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THESE BANKRUPTCY CASES. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE). UNDER THE CASE MANAGEMENT ORDER (AS DEFINED HEREFTER) AND LOCAL BANKRUPTCY RULE 9013-1, UNLESS A WRITTEN RESPONSE TO THE MOTIONS ARE FILED WITH THE CLERK OF COURT AND SERVED ON THE MOVING PARTY WITHIN THREE (3) DAYS BEFORE THE SCHEDULED HEARING DATE, THE COURT MAY DEEM ANY

OPPOSITION WAIVED, TREAT THE MOTIONS AS CONCEDED, AND ISSUE AN ORDER GRANTING THE RELIEF REQUESTED.

PLEASE TAKE FURTHER NOTICE THAT in connection with the Debtors' Chapter 11 Cases, a Supplemental Order Establishing Certain Notice, Case Management and Administrative Procedures [Docket No. 6208] (the "Case Management Order") was entered by the Court on December 30, 2009, which, among other things, prescribes the manner in which objections must be filed and served and when hearings will be conducted. A copy of the Case Management Order may be obtained at no charge from counsel below or via PACER at <http://www.vaeb.uscourts.gov>.

PLEASE TAKE FURTHER NOTICE that on **April 23, 2015 at 2:00 p.m.** (or such time thereafter as the matter may be heard) the undersigned will appear before The Honorable Kevin R. Huennekens, United States Bankruptcy Judge, in Room 5000, of the United States Courthouse, 701 E. Broad Street Richmond, Virginia 23219, and will move the Court for entry of an order approving the Motions.

If you do not want the Court to grant the relief, or if you want the Court to consider your views on the Motions, then within three (3) days before the hearing you or your attorney must:

- ☒ File with the Court, at the address shown below, a written response with supporting memorandum pursuant to Local Bankruptcy Rule 9013-1 and the Case Management Order. You must mail or otherwise file it early enough so the Court will **receive** it on or before the due date identified herein.

Clerk of the Court
United States Bankruptcy Court
701 E. Broad Street, Suite 4000
Richmond, VA 23219

You must also serve a copy on:

Lynn L. Tavenner
Tavenner & Beran, PLC
20 North Eighth Street, 2nd Floor
Richmond, Virginia 23219

If you or your attorney do not take these steps, the Court may deem any opposition waived, treat the Motions as conceded, and issue orders granting the requested relief without further notice or hearing.

Dated: Richmond, Virginia
April 8, 2015

**ALFRED H. SIEGEL, SOLELY IN CAPACITY
AS TRUSTEE OF THE CIRCUIT CITY
STORES, INC. LIQUIDATING TRUST**

/s/ Lynn L. Tavenner

By: Counsel

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- and -

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Counsel for Circuit City Stores, Inc. Liquidating Trust

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of April, 2015, a true and correct copy of the MOTION FOR ORDER TO STRIKE CERTAIN OF CLAIMANT ROY EISNER'S EXPERT DISCLOSURES PURSUANT TO RULE 7037 was served via electronic delivery through the Court's ECF system and/or first class mail, postage prepaid, to the following:

Marshall E. Kresman, Esq.
Law Offices of Marshall E. Kresman
1950 Street Road, Suite 103
The Constitution Building
Bensalem, PA 19020

Kevin J. Funk, Esq.
DURRETTE CRUMP PLC
Bank of America Center, 16th Floor
1111 East Main Street
Richmond, VA 23219

/s/Lynn L. Tavenner

By: Counsel